

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MARYLAND

LE'BON B. WALKER,

Petitioner

v.

JOHN A ROWLEY et al.,

Respondent

Civil Action No.: PJM-06-937

* * * * *

MOTION TO REDATE ORDER AND MEMORANDUM OPINION

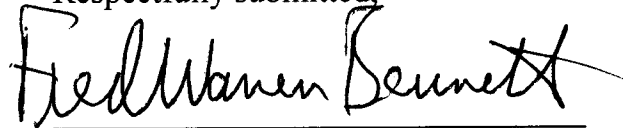
Comes now the Petitioner, Le'bon B. Walker, by and through his attorney, Fred Warren Bennett, Esquire, Bennett & Bair, LLP and moves this Honorable Court to redate the Order and Memorandum Opinion filed by this Court on March 14, 2007 to June 14, 2007. In support of this Motion, Petitioner states as follows:

1. Petitioner filed a Motion to Alter or Amend Judgment on December 28, 2006.
2. When four months had passed without a ruling, undersigned counsel wrote a letter to this Court on May 3, 2007 requesting that the Court rule on the Motion within the next 30 days. (Exhibit A).
3. On May 8, 2007, undersigned counsel received from the Court a faxed copy of the Order and Memorandum Opinion, which had been filed on March 14, 2007. For reasons unknown, undersigned counsel never received a copy of the opinion by mail and only learned of the decision in response to his inquiry.

4. Undersigned counsel intended immediately to file a Motion seeking to have the opinion re-dated but inadvertently neglected to do so until now. As reason therefor, counsel was preparing for a two-week double homicide trial, *State of Maryland v. James Logan*, in the Circuit Court for Prince George's County, which just ended on June 14, 2007, and counsel overlooked the instant matter.

WHEREFORE, Petitioner respectfully asks this Court to re-date the Order and Memorandum Opinion issued in the above-captioned case on March 14, 2007 to June 14, 2007 so as to allow Petitioner to file a Motion for Certificate of Appealability in the Fourth Circuit.

Respectfully submitted,

A handwritten signature in black ink, reading "Fred Warren Bennett". The signature is written in a cursive, flowing style. The first name "Fred" is written with a large, prominent "F". The last name "Bennett" is written with a large, prominent "B". The signature is written over a horizontal line.

FRED WARREN BENNETT
Bennett & Bair, LLP
6301 Ivy Lane, Suite 418
Greenbelt, Maryland 20770
301.220.1570

Counsel for Petitioner

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion to Redate Order and Memorandum Opinion was mailed, postage prepaid, by first class mail this 14th day of June, 2007, to Mary Ann Ince, Esq., Assistant Attorney General, Office of the Attorney General, Criminal Appeals Division, 200 Saint Paul Place, Baltimore, Maryland 21202.

A handwritten signature in black ink, reading "Fred Warren Bennett". The signature is written in a cursive style with a large, stylized "F" and "B".

Fred Warren Bennett

Exhibit A

BENNETT & BAIR LLP
Attorneys at Law

RECEIVED IN THE CHAMBERS OF
PETER J. MESSITTE

MAY 8 2007

Michael R. Pearson

UNITED STATES DISTRICT JUDGE
Daniel H. Ginsburg

Fred Warren Bennett
Gary E. Bair

May 3, 2007

The Honorable Peter J. Messitte
United States District Judge
for the District of Maryland
United States Court House
6500 Cherrywood Lane
Greenbelt, MD 20770

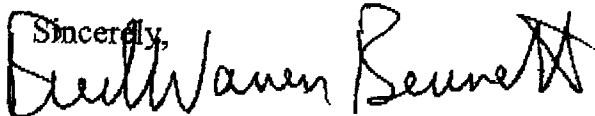
Re: Lebon B. Walker v. Frank C. Sizer, Jr., et al.
Civil No.: *PJT 06-937*

Dear Judge Messitte:

Although you have disposed of the Petition for Writ of Habeas Corpus by way of a Memorandum Opinion and Order dated December 18, 2006, there is still pending before you a Motion to Alter/Amend Judgement which I filed in this case on December 28, 2006.

Approximately four (4) months have passed since I filed the Motion to Alter/Amend Judgment and I would appreciate it if you could rule on this Motion within the next thirty (30) days.

Thank you for your attention to this matter.

Sincerely,


Fred Warren Bennett

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ORDER

Upon consideration of Petitioner's Motion to Redate Order and Memorandum
Opinion, it is this _____ day of _____, 2007

ORDERED that the Order and Memorandum Opinion of this Court dated March 14,
2007 be re-dated to June 14, 2007.

Judge